DETAILED ACTION

1.　　This final Office action is responsive to Applicant's amendment filed May 26, 2010.

Claims 1, 35, and 45 are cancelled.

Claims 2, 11, 12, 16, 21, 24, 25, 32, 34, 42, 44, 45, 52, 54, 55, 59, and 67 have been amended.

Claims 2-34, 36-44, and 46-67 are presented for examination.

Response to Arguments

2.　　Applicant's arguments filed May 26, 2010 have been fully considered but they are not persuasive.

The previously pending rejections of the claims under 35 U.S.C. § 112, 2nd have been withdrawn in response to Applicant's claim amendments; therefore, all related arguments are now moot. New rejections have been applied, in response to Applicant's claim amendments.

Applicant's arguments regarding claims 2 and 44 are moot in light of the indication of allowable subject matter (pending Applicant's ability to overcome the newly applied rejections under 35 U.S.C. § 112, 2nd paragraph).

Regarding claim 11, Applicant submits, "The remarks made above with respect to claim 2 and the disclosure of Keith similarly apply to claim 11." (Page 29 of Applicant's response) The Examiner respectfully disagrees. For example, claim 11 fails to positively recite a condition that would actively cause an update flag to be set

within the scope of the claim. As a matter of fact, there is no "update flag" recited at all

in claim 11. Applicant continues to argue, "The cited reference also fails to disclose,

teach, or suggest if the at least one second message was received, skipping and not

processing the at least one order price change information of the at least one second

message at the at least one processor of the trading system and transmitting a third

message from the trading system requesting current market information from the

exchange system." (Page 29 of Applicant's response) As explained in the art rejection,

the content of many of the messages is merely non-functional descriptive material and,

therefore, will not serve to limit the scope of the claimed invention. Furthermore, Figs.

86, 87; ¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 465-463 of Keith talk

about processing various offers. Fig. 87 refers to skipping orders with in-process

umpires on their order tails unless this process started first. Depending on the

circumstances, Keith may or may not process other received messages. In the

scenario that no messages are received while processing the first electronic message,

there would be no need to skip over messages.

Applicant makes similar arguments for claims 16, 24, 25, and 34 on pages 29-35

of Applicant's response. Applicant's rebuttals presented above apply to claims 16 and

24 as well.

Furthermore, claim 25 recites the step of "determine if an update flag is set." Fig.

87 refers to skipping orders with in-process umpires on their order tails unless this

process started first. Since the claim does not define how an update flag is set,

determining whether orders have in-process umpires on their tails is effectively a check

for updates (i.e., which is effectively indicative of whether or not an "update flag is set").

Regarding claim 34, Applicant argues that "Keith fails to disclose, teach, or

suggest a snapshot trade manager to monitor the message processor and to set the

update flag upon the message processor receiving a first one of the plurality of second

messages while processing the first message." (Page 33 of Applicant's response)

There are no additional structural limitations imparted to the snapshot trade manager

beyond what is claimed. Keith addresses at least a claimed structural equivalent and

the corresponding functionality. Additionally, "a snapshot trade manager" does not

imply any structure at all. It appears to be software *per se*. Without a clear tie to a

structural element of the system, the details of the snapshot trade manager fail to

further limit the scope of the claimed invention.

Applicant argues that the Official Notice statements do not remedy the problems

with the rejections under 35 U.S.C. § 102; however, Applicant has addressed the § 102

rejections above, therefore, such a statement from Applicant does not overcome the

remaining rejections under § 103.

Also, Examiner notes that, as per MPEP § 2144.03(C), the statements of Official

Notice made in the art rejection have been established as admitted prior art since

Applicant has not traversed the Examiner's assertions of Official Notice. More

specifically, the following statements of Official Notice are now formally established on

record as admitted prior art:

Official Notice is taken that it was old and well-known in the art of interactive systems to allow a user to specify desired formulas to be used via a formula wizard.

Official Notice is taken that it was old and well-known in the art of data management to delete data that is no longer needed or useful.

Official Notice is taken that it was old and well-known in the art of data management to store data for future reference.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 2-15, 25-34, 36-44, and 46-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, it is not clear what the effect of the sixth message is on the claim as a whole. Is the information transmitted in the sixth message used to update other information or to carry out some manipulative step of the invention? What is the significance of transmitting the sixth message?

In claim 11, it is not clear what the effect of the fifth message is on the claim as a whole. Is the information transmitted in the fifth message used to update other information or to carry out some manipulative step of the invention? What is the significance of transmitting the fifth message?

In claim 12, there is no antecedent basis for the limitation, "receiving the at least one second message from the trading exchange at the trading system while processing the first message comprises..."

In claim 25, it is not clear what the effect of the fifth message is on the claim as a whole. Is the information transmitted in the fifth message used to update other information or to carry out some manipulative step of the invention? What is the significance of transmitting the fifth message?

In claim 34, it is not clear what the effect of the fifth message is on the claim as a whole. Is the information transmitted in the fifth message used to update other information or to carry out some manipulative step of the invention? What is the significance of transmitting the fifth message?

In claim 44, it is not clear what the effect of the fifth message is on the claim as a whole. Is the information transmitted in the fifth message used to update other information or to carry out some manipulative step of the invention? What is the significance of transmitting the fifth message?

Dependent claims inherit the respective rejections of the claim(s) from which they depend.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 11-17, 19-26, 31, 34, 36, and 41 are rejected under 35 U.S.C. 102(a, e)

as being anticipated by Keith (US 2001/0042040 A1).

Keith discloses a method for trading in a market between a trading exchange and

a trading system (Fig. 1; ¶¶ 53-61, 184), the method comprising:

[Claim 11]   electronically processing a first message at at least one processor of the

trading system to identify an order to transmit from the trading system, the order

comprising a price for a quantity of an article for the market (¶ 61 – All ELF

communications go through the umpires; ¶¶ 61-88 – The ELFs submit order requests to

at least one umpire. Notification of the order request and corresponding details is

indicative of a first message);

upon completing processing the first message:

determining if at least one second message was received at the trading system

while processing the first message, the at least one second message comprising at

least one order price change information, and: if the at least one second message was

not received, transmitting, via the at least one processor, the price and the quantity of

the article for the order from the trading system; and if the at least one second message

was received, skipping and not processing the at least one order price change

information of the at least one second message at the at least one processor of the

trading system and transmitting a third message from the trading system requesting

current market information from the exchange system (Figs. 86, 87; ¶¶ 87, 107, 119,

126, 152, 175, 261, 262, 336-412, 445, 465-463);

receiving a fourth message at the trading system comprising the current market

information (¶¶ 107, 119, 126, 261, 262, 336-412, 445, 455-463);

processing the fourth message at the at least one processor of the trading

system and determining a current prices for an order based on the current market

information (¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 455-463); and

transmitting, via the at least one processor, a fifth message from the trading

system for the trading exchange, the fifth message comprising the current price and the

quantity of the article for the order (¶¶ 93-97 – Furthermore, it is noted that the content

of the fifth message is non-functional descriptive material, which is not functionally

involved in the manipulative steps of the invention nor does it alter the recited structural

elements; therefore, the nature of the data does not effectively serve to patentably

distinguish the claimed invention over the prior art. The manipulative steps of the

invention would be performed the same regardless of the specific data. Further, the

structural elements remain the same regardless of the specific data. Thus, this

descriptive material will not distinguish the claimed invention from the prior art in terms

of patentability as the claimed invention fails to present a new and unobvious functional

relationship between the descriptive material and the substrate, *see In re Gulack, 703*

F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994); In re Ngai, 367 F.3d 1336, 1336, 70 USPQ2d 1862,

1863-64 (Fed. Cir. 2004); MPEP § 2106);

[Claim 12]	receiving the at least one second message from the trading exchange at

the trading system while processing the first message comprises receiving a plurality of

second messages at the trading exchange while processing the first message, the

plurality of second messages each comprising order price information (Figs. 86, 87; ¶¶

73-85, 117, 261 – An auction mode implies that various prices are received for

consideration);

skipping and not processing the at least one order price change information of

the at least one second message at the at least one processor of the trading system

comprises skipping and not processing each order price change information of the

plurality of second messages at the trading system (Figs. 86, 87; ¶¶ 87, 107, 119, 126,

152, 175, 261, 262, 336-412, 445, 465-463);

[Claim 13]	wherein transmitting the fifth message comprises the price for the order

comprises transmitting a at least one member of a group consisting of an offer to the

quantity of the article at the price for the market and a bid to buy the quantity of the

article at the price for the market (¶¶ 93-97 – Furthermore, it is noted that the content of

the fifth message is non-functional descriptive material, which is not functionally

involved in the manipulative steps of the invention nor does it alter the recited structural

elements; therefore, the nature of the data does not effectively serve to patentably

distinguish the claimed invention over the prior art. The manipulative steps of the

invention would be performed the same regardless of the specific data. Further, the

structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability as the claimed invention fails to present a new and unobvious functional relationship between the descriptive material and the substrate, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); In re Ngai, 367 F.3d 1336, 1336, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004); MPEP § 2106)*;

[Claim 14]   wherein transmitting the fifth message comprising the price comprises transmitting a change order comprising the price for the order (As discussed above, Keith discloses a final price or bid, which is effectively a type of final price change order. Furthermore, since the content of fifth message is not used for subsequent processing specifically requiring that type of data, this content of the fifth message is non-functional descriptive material. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability as the claimed invention fails to present a new and unobvious functional relationship between the descriptive material and the substrate, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); In re Ngai, 367 F.3d 1336, 1336, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004); MPEP § 2106*.);

[Claim 15]   electronically executing the order (¶¶ 67, 68, 85, 162, 188, 193, 275).

Keith discloses a method for trading between a trading exchange and a trading system comprising at least one processor, the method comprising:

[Claim 16]   electronically processing a first message at the at least one processor of the trading system to identify an order to transmit from the trading system, the order comprising price information for a quantity of an article for the market (¶ 61 – All ELF communications go through the umpires; ¶¶ 61-88 – The ELFs submit order requests to at least one umpire. Notification of the order request and corresponding details is indicative of a first message);

upon completing processing the first message:

determining if other messages were received at the trading system while processing the first message (Figs. 86, 87; ¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 465-463);

if other messages were not received, electronically processing the order for a trade at the at least one processor of the trading system based upon the price information from the first message (Figs. 86, 87; ¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 465-463); and

if other electronic messages were received, skipping, and not processing at the at least one processor, a plurality of the other messages received at the trading system and processing a most recently received message from the plurality of received messages at the trading system, the most recently received message comprising current market information (Figs. 86, 87; ¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 465-463); and

electronically processing the order for the trade at the at least one processor of the trading system based upon the current market information from the

most recently received message (¶¶ 87, 107, 119, 126, 152, 162, 175, 188, 193, 261, 262, 275, 336-412, 445, 455-463);

[Claim 17]   setting an internal update flag upon receiving a first one of the plurality of received messages while processing the electronic message (Figs. 86, 87; ¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 465-463 talk about processing various offers. Fig. 87 refers to skipping orders with in-process umpires on their order tails unless this process started first. Depending on the circumstances, Keith may or may not process subsequently received messages. In the scenario that no messages are received while processing the electronic message, no internal update flag would be set within the scope of the claim);

[Claim 19]   synchronizing order data before processing the order if the internal update flag is set (Figs. 86, 87; ¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 465-463 talk about processing various offers. Fig. 87 refers to skipping orders with in-process umpires on their order tails unless this process started first. Depending on the circumstances, Keith may or may not process subsequently received messages. In the scenario that no messages are received while processing the electronic message, no internal update flag would be set within the scope of the claim and thus the step of synchronizing would not be triggered);

[Claim 20]   wherein the order is for a selected market and the method further comprises requesting current market data for the selected market from the trading exchange before processing the order if the internal update flag is set (Figs. 86, 87; ¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 465-463 talk about processing

various offers. Fig. 87 refers to skipping orders with in-process umpires on their order

tails unless this process started first. Depending on the circumstances, Keith may or

may not process subsequently received messages. In the scenario that no messages

are received while processing the electronic message, no internal update flag would be

set within the scope of the claim and thus the step of requesting current market data

would not be triggered);

[Claim 21]   processing a response received from the trading exchange at the at least

one processor of the trading system, the response comprising the current market data,

and determining whether the order is to be placed with the trading exchange based on

the current market data (¶¶ 87, 107, 119, 126, 152, 162, 175, 188, 193, 261, 262, 275,

336-412, 445, 455-463);

[Claim 22]   wherein a plurality of the received messages each comprise a price

change notification (As discussed above, Keith discloses a final price or bid, which is

effectively a type of final price change order. Furthermore, since the content of these

messages is not used for subsequent processing specifically requiring that type of data,

this content of the fifth message is non-functional descriptive material. Thus, this

descriptive material will not distinguish the claimed invention from the prior art in terms

of patentability as the claimed invention fails to present a new and unobvious functional

relationship between the descriptive material and the substrate, *see In re Gulack, 703*

F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994); In re Ngai, 367 F.3d 1336, 1336, 70 USPQ2d 1862,

1863-64 (Fed. Cir. 2004); MPEP § 2106.);

[Claim 23]   wherein the most recently received message comprises at least one member of a group consisting of a first message received immediately after processing is complete, a second message received immediately before processing is complete, and a third message received at a same time processing is complete (Figs. 86, 87; ¶¶ 87, 107, 119, 126, 152, 175, 261, 262, 336-412, 445, 465-463).

[Claim 24]   Claim 24 recites limitations already addressed by the rejection of claims 11-17 and 19-23 above; therefore, the same rejection applies.

[Claims 25, 26, 31] Claims 25, 26, and 31 recite limitations already addressed by the rejection of claims 11-17 and 19-23 above; therefore, the same rejection applies.

Further regarding claim 25, Keith discloses that the overall system uses a snapshot trade manager (¶ 445).

Keith discloses:

[Claim 26]   a formula engine to enter at least one formula that is processed to determine the order, the least one formula comprising a conditional operation to calculate, based on the current market information, at least one member of a group consisting of the price and the quantity (¶¶ 87, 119, 152, 175 – A broker can program its own ELF. An ELF can make pricing determinations based on external market data);

[Claim 31]   an automatic trader system to automatically post the quantity of the article for the order but to reserve another quantity of the article for another order having

another price and to automatically post the other order with the other quantity and the

other price when the order is executed (¶ 431).

[Claims 34, 36, 41] Claims 34, 36, and 41 recite limitations already addressed by the

rejection of claims 11-17, 19-23, 25, 26, and 31 above; therefore, the same rejection

applies.

      Further regarding claim 34, Keith discloses a system for trading, comprising:

      a memory;

      a processor to connect with a trading exchange (Fig. 1; ¶¶ 53-55); and

      a software application stored in the memory of the system and executable on the

processor to perform at least one trade for a market with the trading exchange

according to a snapshot view of the market (Fig. 1; ¶¶ 53-55, 175, 445 – Executable

software requires a medium in which to operate; therefore, the existence of a memory of

the system is implied).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 18, 27-30, 32, 33, 37-40, and 42-43 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Keith (US 2001/0042040 A1), as applied to claims 11-17,

19-26, 31, 34, 36, and 41 above, in view of Official Notice [now admitted prior art].

[Claims 27, 37]   As discussed above, Keith discloses various approaches to

calculating at least the price based on the current market information, which implies the

use of various formulas. Keith also explains that a user may customize their ELF with a

particular pricing strategy (¶¶ 87, 108). Keith does not explicitly disclose the steps of

creating and entering the formula using a user interface with a formula wizard; however,

Official Notice is taken that it was old and well-known in the art of interactive systems to

allow a user to specify desired formulas to be used via a formula wizard [now admitted

prior art]. Formula wizards facilitate relatively quick and easy selection and/or creation

of desired formulas to be used. Since Keith gives its users the ability to customize their

pricing strategies and Keith's system is interactive with the users, the Examiner submits

that it would have been obvious to one of ordinary skill in the art at the time of

Applicant's invention to modify Keith to perform the steps of creating and entering the

formula using a user interface with a formula wizard in order to facilitate relatively quick

and easy selection and/or creation of desired formulas to be used. Furthermore, the

use of the formula wizard to identify preferred pricing strategies (including formulas)

would have yielded predictable and expected results.

[Claims 28, 38]   Keith calculates a price to bid and determines if its bid price

improves upon a proposed price (¶¶ 435, 698, 706); however, Keith does not explicitly

disclose using the formula wizard to enter at least one formula selected from a group

consisting of a bid price formula for calculating the price for a bid order, a bid quantity

formula for calculating the quantity for the bid order, an offer price for calculating the

price for an offer order, an offer quantity for calculating the quantity for the offer order, a

bid hedge price formula for calculating a custom price for an opposite order in a bid auto

hedge market, and a bid hedge quantity formula for calculating a custom quantity for the

opposite order in the bid auto hedge market. As discussed above, Official Notice is

taken that it was old and well-known in the art of interactive systems to allow a user to

specify desired formulas to be used via a formula wizard [now admitted prior art].

Formula wizards facilitate relatively quick and easy selection and/or creation of desired

formulas to be used. Since Keith gives its users the ability to calculate and analyze bid

prices and Keith's system is interactive with the users, the Examiner submits that it

would have been obvious to one of ordinary skill in the art at the time of Applicant's

invention to modify Keith to perform the step of using the formula wizard to enter at least

one formula selected from a group consisting of a bid price formula for calculating the

price for a bid order, a bid quantity formula for calculating the quantity for the bid order,

an offer price for calculating the price for an offer order, an offer quantity for calculating

the quantity for the offer order, a bid hedge price formula for calculating a custom price

for an opposite order in a bid auto hedge market, and a bid hedge quantity formula for

calculating a custom quantity for the opposite order in the bid auto hedge market in

order to facilitate relatively quick and easy selection and/or creation of desired formulas

to be used. Furthermore, the use of the formula wizard to calculate the recited bid price

or quantity related formulas would have yielded predictable and expected results.

[Claims 29, 39]   Keith discloses the calculation of a price based on a market event
(¶¶ 87, 107, 119, 126, 152, 175, 261, 262) and a decision to accept certain pricing
based on market conditions and a specified quantity (¶¶ 175, 342-360); however, Keith
does not explicitly relate this information to using a formula engine to define a related
formula (i.e., "wherein the current market information comprises a market event, and the
method comprises processing a conditional operation in the formula for determining the
price based on the market event, the conditional operation comprising a unit price
increase or a unit price decrease"). As discussed above, Official Notice is taken that it
was old and well-known in the art of interactive systems to allow a user to specify
desired formulas to be used via a formula wizard [now admitted prior art]. Formula
wizards facilitate relatively quick and easy selection and/or creation of desired formulas
to be used. Since Keith gives its users the ability to calculate and analyze bid prices
and Keith's system is interactive with the users, the Examiner submits that it would have
been obvious to one of ordinary skill in the art at the time of Applicant's invention to
modify Keith wherein the current market information comprises a market event, and the
method comprises processing a conditional operation in the formula for determining the
price based on the market event, the conditional operation comprising a unit price
increase or a unit price decrease in order to facilitate relatively quick and easy selection
and/or creation of desired formulas to be used (e.g., related to pricing, unit price
increase/decrease, and market events). Furthermore, the use of the formula wizard to
utilize the aforementioned data would have yielded predictable and expected results.

[Claims 30, 40]   Keith discloses the calculation of a price based on a market event (¶¶ 87, 107, 119, 126, 152, 175, 261, 262) and a decision to accept certain pricing based on market conditions (including in various markets) and a specified quantity (¶¶ 73, 91, 184, 185, 175, 342-360); however, Keith does not explicitly relate this information to using a formula engine to define a related formula (i.e., "wherein the current market information comprises a market event, and the method comprises processing a conditional operation in the formula for determining the price based on the market event, the conditional operation comprising a unit price increase or a unit price decrease for the market based on another price for another market"). As discussed above, Official Notice is taken that it was old and well-known in the art of interactive systems to allow a user to specify desired formulas to be used via a formula wizard [now admitted prior art]. Formula wizards facilitate relatively quick and easy selection and/or creation of desired formulas to be used. Since Keith gives its users the ability to calculate and analyze bid prices and Keith's system is interactive with the users, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Keith wherein the current market information comprises a market event, and the method comprises processing a conditional operation in the formula for determining the price based on the market event, the conditional operation comprising a unit price increase or a unit price decrease for the market based on another price for another market in order to facilitate relatively quick and easy selection and/or creation of desired formulas to be used (e.g., related to pricing, unit price increase/decrease, and market events). Furthermore, the use of the

formula wizard to utilize the aforementioned data would have yielded predictable and

expected results.

[Claims 18, 32, 42] Keith does not explicitly disclose what is done with the plurality of

messages after setting the update flag. More specifically, Keith does not explicitly

disclose deleting the plurality of second messages after setting the update flag;

however, Official Notice is taken that it was old and well-known in the art of data

management to delete data that is no longer needed or useful [now admitted prior art].

Such a practice helps to free up available storage space for future use. The Examiner

submits that it would have been obvious to one of ordinary skill in the art at the time of

Applicant's invention to modify Keith to perform the step of deleting the plurality of

second messages after setting the update flag in order to help free up available storage

space for future use. Such results would have been expected and predictable by one of

ordinary skill in the art at the time of Applicant's invention.

[Claims 33, 43]   Keith does not explicitly disclose what is done with the plurality of

messages after setting the update flag. More specifically, Keith does not explicitly

disclose " passing the plurality of second messages to a data storage system for

storage"; however, Official Notice is taken that it was old and well-known in the art of

data management to store data for future reference [now admitted prior art]. Such a

practice helps to provide an accurate record of a transaction history, which may be

useful to document important transaction sequences. The Examiner submits that it

would have been obvious to one of ordinary skill in the art at the time of Applicant's

invention to modify Keith to perform the step of passing the plurality of second

messages to a data storage system for storage in order to help provide an accurate

record of a transaction history, which may be useful to document important transaction

sequences. Such results would have been expected and predictable by one of ordinary

skill in the art at the time of Applicant's invention.

Allowable Subject Matter

9.   Claims 2-10, 44, and 46-67 would be allowable if rewritten or amended to

overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office

action.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-

6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna M. Diaz/
Primary Examiner, Art Unit 3684